

## REMARKS

Claims 1-35 are pending in the application. Claims 1-35 were subject to the requirement for restriction.

### **Restriction Requirement**

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §§ 121 and 372:

- Group I: Claims 1, 7, 13 – 15, 26 – 30, 32, and 34, allegedly drawn to a fluorescent protein from Montipora sp. with excitation maximum wavelength of 507 nm and fluorescence maximum wavelength of 517 nm;
- Group II: Claims 2 and 8, allegedly drawn to a fluorescent protein derived from Acropora sp. with excitation maximum wavelength of 505 nm and fluorescence maximum wavelength of 516 nm;
- Group III: Claims 16 and 17, allegedly drawn to DNA encoding a fluorescent protein derived from Acropora sp. with excitation maximum wavelength of 505 nm and fluorescence maximum wavelength of 516 nm;
- Group IV: Claims 3 and 9, allegedly drawn to a fluorescent protein derived from Acropora sp. with excitation maximum wavelength of 472 nm and fluorescence maximum wavelength of 496 nm;
- Group V: Claims 18 and 19, allegedly drawn to DNA encoding a fluorescent protein derived from Acropora sp. with excitation maximum wavelength of 472 nm and fluorescence maximum wavelength of 496 nm;
- Group VI: Claims 4, 10, 20, and 21, allegedly drawn to a fluorescent protein from Montipora sp. with excitation maximum wavelength of 557 nm and fluorescence maximum wavelength of 574 nm;
- Group VII: Claims 5, 11, 22, 23, 31, 33, and 35, allegedly drawn to a fluorescent protein derived from Actinia equina with absorption maximum wavelength of 592 nm; and

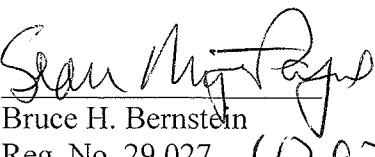
Group VIII: Claims 6, 12, 24, and 25, allegedly drawn to a fluorescent protein derived from Lobophytum crassum with excitation maximum wavelength of 482 nm and fluorescence maximum wavelength of 498 nm.

### **Election without Traverse**

In order to be responsive to the requirement for restriction, Applicants elect the invention set forth in Group V, claims 18-19, as “DNA encoding a fluorescent protein derived from Acropora sp. with excitation maximum wavelength of 472 nm and fluorescence maximum wavelength of 496 nm.” Applicants submit that at least Claims 18-19 read on the elected invention.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
Atsushi Miyawaki et al.

  
Bruce H. Bernstein  
Reg. No. 29,027 42,920

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GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191